

Application No. 10/574,657
Art Unit: 3746

Amendment
Attorney Docket No. 062316

AMENDMENTS TO THE DRAWINGS

The attached replacement sheets of drawings include changes to Figs.1 and 2. The figures have been amended to include the legend "Prior Art."

REMARKS

The present application was filed along with a Preliminary Amendment on April 4, 2006.

Applicants respectfully submit that claims 1-4 and 8-10 are now pending as set forth in the Preliminary Amendment of April 4, 2006 with claim 10 withdrawn subject to the Restriction Requirement of July 1, 2009.

Applicants received an Office Action dated September 21, 2009. This Office Action does not acknowledge the Preliminary Amendment. Specifically, the Office Action indicates that claims 5-7 and 11-14 are still pending. See Box 4 and 4a) of the Office Action Summary.

However, this determination to examine the original claims is contrary to the determination of Restriction Requirement of July 1, 2009 which clearly indicated that the Preliminary Amendment had been entered. See Box 4 of Office Action Summary thereof.

The reason for the confusion as to the entry of the Preliminary Amendment appears to be related to the Notice of Non-compliance of May 17, 2007. The Notice had issued on the basis that "Previously presented" should read "Original" in claims 1, 8 and 10. Applicants had responded to the Notice on the basis that the claims are in correct form in the Preliminary Amendment as filed because the claims had been amended under Article 34. As set forth in "Changes to Implement Electronic Maintenance of Official Patent Application Records" 1272 OG 197, June 30, 2003, amendments under Article 34 are to be considered when filing a Preliminary Amendment since the claims have in fact been amended.

All indications are that the Office correctly accepted the response to the Notice of Non-compliance and entered the amendment. First, there was no indication that the Response was

insufficient provided to the applicants. Second, the publication of the application, U.S. Pub. No. 2007/0122290 includes the claims as set forth in the Preliminary Amendment. Further, the Restriction Requirement clearly indicates that the Preliminary Amendment had been entered and the Notice of Non-compliance was removed since the amended claims are addressed in the Restriction. Wherefore, applicants respectfully request a new Office Action issue as to the merits of the claims which cannot be addressed herein.

Specification

The abstract is objected to because the language and format is improper.

Applicants have reworded the Abstract accordingly.

Drawings

The drawings are objected to because Figures 1 and 2 should be designated by a legend such as --Prior Art--.

Applicants have designated the drawings accordingly.

Applicants' Response to the Claim Objections

Claim 9 is objected to as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim.

As noted above, applicants respectfully submit that the preliminary amendment was entered, thereby mooting the objection.

Applicants Response to the Claim Rejections under 35 U.S.C. §102

Claims 1, 3, 4 and 8 are rejected under 35 U.S.C. §102(b) as being anticipated by Kubota (JP 2808383).

In response thereto, applicants respectfully submit that Kubota does not provide for each and every feature of the invention as now claimed.

The rejection within the Office Action does not address the feature “thereby to lower the water level gradually in said discharge pump” in claim 1.

Wherefore, applicants respectfully submit that the rejection does not provide for each and every feature of the claimed invention as now pending.

Applicants Response to the Claim Rejections under 35 U.S.C. §103

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kubota (JP 2808383) in view of Hitachi (JP 2797822).

Applicants respectfully submit that by addressing the rejection of parent claim 1 as detailed above, likewise the rejection of claim 2 is addressed by nature of its dependency.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as previously presented in the Preliminary Amendment of April 4, 2006, are in condition for allowance. Applicants request such action at an early date.

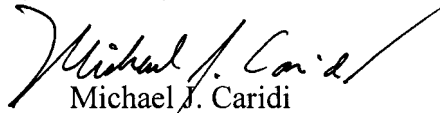
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

In the event any fees are required in connection with this paper, please charge Deposit Account No. 50-2866.

Respectfully submitted,

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